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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,676	05/31/2000	John J. Curro	7897R	2677

7590 03/06/2003

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EXAMINER	
PIERCE, JEREMY R	

ART UNIT	PAPER NUMBER
1771	13

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A9-13

Office Action Summary	Applicati n No.	Applicant(s)	
	09/584,676	CURRO ET AL.	
	Examin r	Art Unit	
	Jeremy R. Pierce	1771	

-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 23-31* is/are pending in the application.

4a) Of the above claim(s) *10-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 10, 2003 has been entered.

Response to Amendment

2. Amendment B has been filed on February 10, 2003 as Paper No. 12. Claim 22 has been cancelled. Claims 1, 21, and 23 have been amended. New claims 24-31 have been added. The amendment is sufficient to overcome the 35 USC 102 and 103 rejections set forth in sections 4-8 of the last Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8, 21, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent No. 5,851,935) in view of McCormack et al. (U.S. Patent No. 5,964,742).

Srinivasan et al. teach a composite web comprising nonwoven webs of carded thermoplastic staple fibers thermally bonded to opposing sides of an elastomeric film (column 2, lines 33-35). The three webs are laminated together by thermal spot bonding using a pair of opposed heated calendar rolls (column 4, lines 58-60). The heat and pressure at the bonding spot causes the thermoplastic material of the fibers and the elastomeric material of the film to melt, forming an aperture in the film, but not in the thermoplastic material (column 4, lines 64-67). The thermoplastic fibers fuse to each other across the aperture formed in the film by the melted elastomer, leaving a web of densified and fused fibers extending across the film aperture (column 3, lines 32-36). Srinivasan et al. do not teach the aspect ratio of the bond sites. However, Srinivasan et al. do disclose that the bonding pattern on the engraved roll can have any one of a number of different geometries (column 6, lines 54-55). McCormack et al. teach a thermal bonding pattern for nonwoven fabric having an aspect ratio between 2 and 20 provides higher abrasion resistance and strength (Abstract). It would have been obvious to one having ordinary skill in the art to use the aspect ratio of McCormack et al. in the thermal bonding of Srinivasan et al. in order to create a nonwoven with improved strength and abrasion resistance, as taught by McCormack et al. With regard to claim 2, no adhesive is used. With regard to claim 21, the third layer would be part of

said discrete thermal bonds, since the melted film would remain in some degree in the thermal bond.

5. Claims 1-5, 8, 21, and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kielpikowski et al. (U.S. Patent No. 4,842,596) in view of McCormack.

Kielpikowski et al. disclose a laminate comprising an elastomeric film or nonwoven carrier sheet sandwiched between at least a pair of nonwoven facing sheets (column 10, lines 5-18). The facing sheets are thermally bonded through the apertures of the carrier sheet (column 10, lines 20-22). The facing sheets would be pre-bonded, since they can be made by spun-bonded, spun-laced, or meltblown processes (column 11, lines 8-11). Kielpikowski et al. do not teach the claimed aspect ratio of the bond sites. McCormack et al. teach a thermal bonding pattern for nonwoven fabric having an aspect ratio between 2 and 20 provides higher abrasion resistance and strength (Abstract). It would have been obvious to one having ordinary skill in the art to use the aspect ratio of McCormack et al. in the thermal bonding of Kielpikowski et al. in order to create a nonwoven with improved strength and abrasion resistance, as taught by McCormack et al. With regard to claim 23, Figures 16 and 17 show apertures through the entire laminate web.

6. Claim 1, 2, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seward (U.S. Patent No. 4,062,993) in view of Srinivasan et al. and further in view of McCormack et al.

Seward discloses a composite structure comprising a base fabric, metal foil, and a fiber batt bonded together by means of needle punching (column 1, lines 66-68). The needles penetrate the batt, then the foil, and finally the fabric base to form fiber masses on the free side of the fabric base and to force fibers from the batt back and forth through spaced apart needle punched apertures in the foil (claim 5). Seward does not disclose the fabric layers to be thermally bonded. Srinivasan et al. disclose a method of bonding two nonwoven fabric layers thermally through the apertures of a middle layer rather than mechanically. It would have been obvious to one having ordinary skill in the art to thermally bond the fibers of the nonwoven layers of Seward in order to create a stronger bond between fabric layers, as taught by Srinivasan et al. Neither Seward nor Srinivasan et al. teach the claimed aspect ratio of the bond sites. McCormack et al. teach a thermal bonding pattern for nonwoven fabric having an aspect ratio between 2 and 20 provides higher abrasion resistance and strength (Abstract). It would have been obvious to one having ordinary skill in the art to use the aspect ratio of McCormack et al. in the thermal bonding of Seward in view of Srinivasan et al. in order to create a nonwoven with improved strength and abrasion resistance, as taught by McCormack et al. With regard to claim 4, the fabric base may be nonwoven (column 2, line 65).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view McCormack et al. as applied to claim 1 above and further in view of Griesbach et al. (U.S. Patent No. 5,587,225).

Srinivasan et al. do not teach the middle layer to be material comprising cellulosic tissue paper. Griesbach et al. teach a composite containing two filamentous

web layers containing crimped continuous filaments and a cellulosic layer containing cellulosic fibers disposed between (column 1, lines 40-50). The cellulosic layer is a tissue layer (column 10, lines 41-42). Both Srinivasan et al. (column 1, lines 16-17) and Griesbach et al. (column 2, lines 50-58) teach composites useful in the manufacture of disposable diapers, sanitary napkins, etc. Griesbach et al. teach that using cellulosic fibers in the middle layer of such a composite produces a product with soft cloth-like textural and visual properties (column 1, lines 64-67). It would have been obvious to a person having ordinary skill in the art to use cellulosic tissue paper as the middle layer in the composite disclosed by Srinivasan et al. in order to improve the texture and touch of the personal care product.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view McCormack et al. as applied to claim 1 above and further in view of Phan et al. (U.S. Patent No. 5,338,766).

Srinivasan et al. do not teach the middle layer to be material comprising open cell foam. Phan et al. teach superabsorbent polymer foam that is open cell (claim 1). Phan et al. also teach that the absorptive characteristics of these foams make them useful for incorporation into absorbent articles such as diapers, sanitary napkins, etc. (column 1, lines 20-29). It would have been obvious to a person having ordinary skill in the art to incorporate open cell foam into the composite provided by Srinivasan et al. in order to increase the absorptive properties of the personal care product.

Response to Arguments

9. Applicant's arguments with respect to claims 1-9, 21, and 23-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703) 605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jeremy R. Pierce
Examiner
Art Unit 1771

February 27, 2003

ELIZABETH M. COLE
PRIMARY EXAMINER